



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, २५ जुलाई, १९९७/३ श्रावण, १९१९

हिमाचल प्रदेश सरकार

URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 24th July, 1997

No. LSG. A (3) 5/96.—In exercise of the powers conferred by section 3 read with section 21(1) of H. P. Municipal Services, 1994 (Act No. 11 of 1994), the Governor of Himachal Pradesh proposes to make the following rules and the same are hereby published in the official gazette for the information of the persons likely to be effected thereby as required under section 21 (2) of the said Act.

If any person likely to be effected by the rules, has any objection (s) or suggestion to make in relation to the proposed rules, he may send the same to the Financial Commissioner-cum-Secretary (Urban Development) to the Government of Himachal Pradesh, Shimla-171002, within the period of 15 days from their publication in the official gazette.

Objections or suggestions, if any, received within the above stipulated period shall be taken into consideration by the State Government before finalising the same, namely :—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Ministerial/Non-Ministerial State Municipal Services (Recruitment, Promotion and Other Conditions of Service) Rules, 1997.

(ii) They shall come into force with immediate effect from the date of final publication.

2. *Application.*—These rules shall apply to the posts specified in col. 2 of Schedule-I annexed to these rules.

3. *Definition.*—In these rules unless the context otherwise requires;—

- (a) 'Act' means the H. P. Municipal Services Act, 1994;
 - (b) 'Appointing Authority' means the authority indicated as the Appointing Authority against each category of Service in Schedule-II of these rules in respect of the category of service;
 - (c) 'Commissioner' means the Commissioner of the Municipal Corporation as defined in Section 2 of the H. P. Municipal Corporation Act, 1994;
 - (d) 'Director' means the Director, Urban Local Bodies, Himachal Pradesh appointed by the Government;
 - (e) 'direct recruitment' means an appointment by selection other than by promotion/transfer/deputation;
 - (f) 'duty' includes the service as a probationer or apprentice provided that such service is followed by confirmation without any break and shall also include joining time;
 - (g) 'Government' means Government of Himachal Pradesh;
 - (h) 'municipality' means :
 - (i) a Nagar Panchayat and Municipal Council constituted under the Himachal Pradesh Municipal Act, 1994; and
 - (ii) a Municipal Corporation constituted under the Himachal Pradesh Municipal Corporation Act, 1994;
 - (i) 'member' means a member of the service;
 - (j) 'Service' means a municipal service constituted by the Government under the provisions of H. P. Municipal Services Act, 1994, H. P. Municipal Corporation Act, 1994 and H. P. Municipal Act, 1994 in the manner prescribed under these rules.
4. *Nationality, Domicile and character of persons to be appointed to a service.*—(i) No person shall be appointed to a service unless he is;
- (a) a citizen of India, or
 - (b) a subject of Nepal, or
 - (c) a subject of Bhutan, or
 - (d) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India; or
 - (e) a person of Indian origin who has migrated from Pakistan, Myanmar, Sri Lanka (formerly Ceylon) or East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and belongs to category (e). The certificate of eligibility will be issued for a period of one year after which such a candidate will be retained in service subject to his having acquired Indian Citizenship.

(ii) No person shall be recruited to the service unless his antecedents and other character have been verified before hand by reference to the Police Department; provided that in the case of recruitment to temporary vacancy needed to be made urgently, a person may be appointed in accordance with general directions as may be issued by the Government in anticipation of his antecedents and character being verified by the Police Department.

5. *Number of posts, classification and scales of pay.*—(a) The number of posts and scales of pay of various posts shall be as specified in column (3) and (4) of Annexure I or as may be prescribed by the Government from time to time.

(b) The classification of the posts shall be as under :

(i) Superintendent Gr. I	}	Ministerial—State Municipal Services.
(ii) Superintendent Gr. II		
(iii) Sr. Assistant/Accountant		
(iv) Sanitary Inspector	}	Non-Ministerial—State Municipal Services.
(v) Surveyor		
(vi) Work Supervisor		
(vii) Laboratory Technician		
(viii) Sanitary Supervisor		

6. *Recruitment and Promotion.*—(i) The method of recruitment, promotion and other matters connected therewith shall be as specified in column (5) to (9) of Annexure-I of these rules.

(ii) Recruitment to the categories of posts of the service at the time of initial constitution shall be made by the appointing authority by the absorption of persons already in service of municipality in a corresponding post, provided they are found fit.

(iii) After filling in the vacancies under sub-rule 6 (ii) the remaining vacancies and the vacancies which may occur thereafter shall be filled in the manner prescribed in Annexure-I of these rules.

(iv) In case, no suitable candidate is available for appointment by direct recruitment or by promotion, vacancy may be filled by deputation/transfer.

(v) The direct recruitment shall be made by appointing authority on the recommendation of Selection Committee constituted under sub-rule (vi).

(vi) The Government may, from time to time, by notification constitute a Selection Committee consisting of at least three members.

(vii) While making recruitment under sub-rule (iii) the general instructions of the Government regarding reservation in services for members of the Scheduled Castes, Scheduled Tribes, Backward Classes and for any other category in relation to the services under it shall be applicable to the services.

(viii) An incumbent who foregoes promotion, will be debarred from promotion for a period of 2 years and will rank junior to all those who may have been promoted during the period.

7. *Age on entry.*—No person shall be appointed to a service by direct recruitment if he is less than 18 years of age and more than 35 years of age or as prescribed by the Government for equivalent posts in Government service from time to time.

Provided that in the case of candidate belonging to the Scheduled Castes, Scheduled Tribes and other backward classes, the maximum age limit shall be such as may be fixed by the Government from time to time.

8. *Physical Fitness.*—A person appointed to the service by direct recruitment shall be required to procure certificate of physical fitness from the Chief Medical Officer of the District before joining the service. Such person shall before being examined make and sign declaration in Form prescribed for Government servants and Medical Officer shall examine him and furnish a certificate in Form prescribed for Government servants.

9. *Disqualifications.*—No person :—

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to a service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other grounds for so doing, exempt any person from operation of this rule.

10. *Punishment and Appeals.* - The disciplinary authority and appellate authority for the purpose of these rules shall be as prescribed in Annexure-II to these rules.

11. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

12. *Interpretation.*—If any doubt arises relating to the interpretation of the rules, it shall be referred to the Government whose decision therein shall be final.

13. *Saving Clause.*—All corresponding provisions contained in any rules, regulations and bye-laws relating to the municipal services in force in the municipalities immediately before the commencement of these rules, shall stand repealed:

Provided that any order made or action taken under the rules, regulations or bye-laws so repealed shall be deemed to have been made under the corresponding provisions of these rules.

By order,

Sd/-
Financial Commissioner-cum-Secretary

Sl. No.	Name of the post	No. of posts	Scale of pay	Whether selection or non-selection	Educational & other qualifications	Whether age & other qualifications prescribed for direct recruits will apply in the case of promotees	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer & percentage of vacancies to be filled by various methods	Grades from which recruitment by promotion/deputation/transfer/short term contract/re-employment to be made
1	2	3	4	5	6	7	8	9
1.	Supdt. Gr-I	—	2200-70-2550-75-3000-100-4000.	Non-selection.	Not applicable.	Not applicable.	100% by promotion.	Promotion from the grade of Supdt. Gr-II who have put in 3 years regular service.
2.	Supdt. Gr-II	11	2000-60-2060-70-2550-75-3000-100-3500.	-do-	-do-	-do-	-do-	Promotion from the grade of Sr. Asstt. (Assistants prior to 1-1-86 and Accountants in the grade are also included) who have put in 6 years regular service.
3.	Sr. Assistant/Accountant	54	1800-50-2000-60-2060-70-2550-75-3000-100-3200.	-do-	-do-	-do-	-do-	Promotion from amongst the common Clerical Cadre of Clerks/Sr.

1	2	3	4	5	6	7	8	9
								Clerks/Jr. Assistants who have put in 10 years regular service.
4. Sanitary Inspectors,	13	1650-50-2000-60-2060-70-2550-75-2925.	Non selection.	Graduation with Diploma in sanitation from recognised Institute.	Qualification will apply in the case of promotees.	50% by direct recruitment & 50% by promotion failing which by direct recruitment.	Promotion from the grade of Sanitary Supervisor who have put in 5 years regular service or regular combined with continuous <i>ad hoc</i> (rendered upto 31-3-91) service, if any, in the grade or as amended by the Government from time to time.	
5. Surveyor (Tracer).	5	1200-40-1320-45-1500-50-2000-60-2060-70-2130.	-do-	Matriculation in 2nd Div. or 10 plus 2. Must possess ITI Diploma in Trade from a recognised Institute.	Not applicable.	100% by direct recruitment.	Not-applicable	
6. Work-Supervisor (Work Inspector).	8	950-35-1160-40-1320-45-1500-50-1800.	-do-	Matriculation in 2nd Div. or 10 plus 2. ITI certificate in Trade Building constructions from a recognised Institute.	Qualification will apply in the case of promotees.	50% by direct recruitment and 50% by promotion failing which by direct recruitment.	By promotion from amongst the Mates/Beldars who are working on roads and buildings with 3 years regular or regular combined with continuous <i>ad hoc</i> (rendered upto 31-3-91)	

							service, if any, in the grade or as amended by the Government from time to time and having passed Matric or Hindi (Rattan) with Matric (English) as one of the subject.
7. Laboratory Technician.	2	1410-45-1500-50-2000-60-2060-70-2480.	Non-selection.	Matriculation Exam. in 2nd Division or 10 plus 2. Must possess diploma in Lab. Technician from a recognised institute.	Not-applicable.	100% by direct recruitment.	Not-applicable
8. Sanitary Supervisor.	6	950-35-1160-40-1320-45-1500-50-1800.	-do-	Matriculation in 2nd Division or 10 plus 2: Must possess diploma in Sanitation.	Qualification will apply in case of promotees.	90% by direct recruitment & 10% by promotion failing which by direct recruitment.	By promotion from amongst the Sanitary Jamadars/ Safai Karamcharis with 5 years regular combined with continuous <i>ad hoc</i> (rendered upto 31-3-91) service, if any in the grade or as amended by the Government from time to time and having passed Matric or Hindi (Rattan) with Matric (English) as one of the subject.

SCHEDULE-II

[See rule 3 (b)]

Sl. No.	Designation of the employee	Appointing Authority	Disciplinary Authority	Appellate Authority
1.	Supdt. Gr. I	Secretary (UD) to the Government of Himachal Pradesh Director, ULB Himachal Pradesh.	Secretary (UD) to the Government of Himachal Pradesh.	State Government.
2.	Supdt. Gr. II		(i) Director ULB Himachal Pradesh excepting employees of M.C. Shimla. (ii) Commissioner M.C. Shimla in respect of employees of M.C. Shimla.	-do- -do-
3.	Assistant/Accountants	-do-	-do-	-do-
4.	Sanitary Inspector	-do-	-do-	-do-
5.	Surveyors	-do-	-do-	-do-
6.	Work Supervisors	-do-	-do-	-do-
7.	Laboratory Technician	-do-	-do-	-do-
8.	Sanitary Supervisor	-do-	-do-	-do-